

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's Rules To)	CC Docket No. 94-102
Ensure Compatibility with Enhanced)	
911 Emergency Calling Systems)	
)	
Petition of City of Richardson, Texas)	
)	
)	

**COMMENTS OF
THE CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION**

The Cellular Telecommunications & Internet Association (“CTIA”)¹ hereby submits its comments in support of the petition filed by Cingular Wireless LLC (“Cingular”)² for reconsideration of the *Richardson Order*.³ CTIA agrees with Cingular that the Commission should clarify its rules on what constitutes a valid Public Safety Answering Point (“PSAP”) request that triggers a wireless carrier's obligation to provide E-911 service.

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

² *Cingular Petition for Reconsideration*, CC Docket No. 94-102 (filed Dec. 3, 2001) (“*Cingular Petition*”).

³ *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, *Richardson Order*, (Oct. 17, 2001) (“*Richardson Order*”).

DISCUSSION

Cingular has sought reconsideration of the Commission’s new rules on the process by which a PSAP requests E-911 Phase II services. Consistent with the Commission’s goals to “avoid the unnecessary expenditure of carrier and PSAP resources,” the Commission should clarify its rules to “help ensure that none of the parties expends resources unnecessarily.”⁴ CTIA agrees with Cingular that granting a PSAP request for Phase II service where the PSAP has failed to verify that it will be capable of receiving or utilizing the Phase II data would serve only to frustrate Phase II implementation. Furthermore, requiring wireless carriers to deliver Phase II services when the PSAP will not be capable of utilizing the data within the six-month implementation period is a waste of resources.

Specifically, Cingular has requested the Commission vacate the *Richardson Order* since it is “inconsistent with and substantively changes Section 20.18(j).”⁵ Cingular explains in its petition that while the old rule required actual PSAP deployment of the modifications before a carrier’s Phase II obligations were triggered, the Commission’s new rule deems a PSAP request valid if it appears that the PSAP will be capable of utilizing the service within six months. CTIA agrees with Cingular that the new rule is “inconsistent with its stated basis because it would require wireless carriers to expend resources to supply Phase II information before knowing whether a PSAP is ready to use it.”⁶

⁴ *Richardson Order* at ¶¶1, 11.

⁵ *Cingular Petition* at 5.

⁶ *Cingular Petition* at 9.

CTIA agrees with Cingular that the Commission should confirm that the six-month implementation period is tolled while a PSAP assembles its supporting documentation. Otherwise, carriers will be penalized every time a PSAP fails to respond to a carrier request for documentation. The Commission should specify that the six-month period for responding to valid PSAP requests be tolled during a “readiness dispute” since requiring the premature delivery of Phase II services to a PSAP that will not be capable of utilizing the services would unnecessarily burden carriers and customers with costs for which there are no corresponding benefits. To expedite the process, PSAPs should submit the supporting documentation at the time it makes a request to the carrier.

Despite the best intentions of the PSAPs, there is a history of PSAPs not being capable of receiving and utilizing Phase I data even with a cost recovery mechanism in place and the Commission has recognized that “PSAP funding is not synonymous with PSAP readiness.”⁷ When PSAPs fail to meet their own requested service dates, not only do they hurt carriers, but other PSAPs, and the public, by diverting resources from PSAPs that are prepared to move forward. Moreover, in those instances where PSAPs do not have access to funding or where state 911 funds have been depleted,⁸ concerns are heightened for PSAP readiness and delays in the implementation of Phase I and Phase II services. While the exact number of states remains unknown, it is anticipated that a

⁷ *Richardson Order* at ¶21.

⁸ See “*Diversion of 911 Funds Criticized*,” Los Angeles Times, Part A, Part 1, Page 1, August 4, 2001 (“*LA Times article*”) (explaining California’s repeated history of shifting money from the 911 fund to other programs and warning of danger that the majority of states have the same problem).

majority of states have or will raid funds dedicated to wireless 911 to cover budget deficits.⁹ To ensure that carriers are protected from expending unnecessary resources and that PSAPs will actually be ready to use E-911 data, the Commission should give carriers additional time for installation when a PSAP fails to substantiate Phase II readiness.

In its petition, Cingular has asked the Commission to clarify that a PSAP is required to submit a request for Phase II service and documentation that the PSAP has purchased the Automatic Identification Location (“ALI”) database upgrades. The Commission has recognized that the failure of a PSAP to complete ALI database upgrades could cause unnecessary delay and without ALI database upgrades a PSAP will not receive operational Phase II service.¹⁰ CTIA agrees with Cingular that the Commission should adopt the proposed clarification since Phase II service can only

⁹ CTIA is aware of at least three states, North Carolina, California, and New York, that have raided its E-911 coffers and anticipates a growing number of PSAPs to be effected by state budget deficits. *See* Letter from Ronald P. Hawley, Chair of the North Carolina Wireless 911 Board to County/City Manager (May 21, 2001) (adjusting the payment schedule to PSAPs to compensate for North Carolina Governor Easley’s decision to transfer \$5 million from the Wireless 911 fund), attached as Exhibit 1. *See LA Times article*. In California, where customers have been paying for over 25 years, \$50 million was removed from the 911 account in 2001 and the state upgrades are expected to cost at least \$115 million. The 2001 raid was not the first-- the state took nearly \$45 million from the fund over the course of three years in the early 1990’s. New York was one of the first states in the nation to enact a wireless 911 surcharge in 1991. However, since that time, institutional failures, inadequate fiscal safeguards and local government budgetary concerns, coupled with outmoded state statutes have combined to thwart wireless E911 implementation throughout the state. In New York, there has been a recent spate of legislative proposals that are designed to divert portions of the existing wireless surcharge revenue to entities other than the State Police. Some of these bills would allow several counties that do not receive 911 service from the State Police to access wireless 911 surcharge funds for purchases of ambulances, communications vehicles and safety equipment for firefighters.

¹⁰ *Richardson Order* at ¶1.

become operational when the PSAP's ALI database has also been upgraded to accommodate Phase II service.

CONCLUSION

For the foregoing reasons and as set forth in Cingular's petition for reconsideration, the Commission should clarify its rules to ensure that a PSAP is ready to use the Phase II location information within six months of the time it makes its request. The wireless industry recognizes the tremendous public safety benefits of wireless 911 service and reaffirms its commitment to deploy Phase II enhanced services.

Respectfully submitted,

/s/

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